

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CHRISTOPHER SCOTT MERRILL,

Plaintiff,

v.

Civil Case No. 22-10541
Honorable Linda V. Parker

KING, MARK COOKS, STACY LINDAHL,
and JOHN DOE,

Defendants.

**OPINION AND ORDER ADOPTING MAGISTRATE JUDGE'S
DECEMBER 21, 2022, REPORT AND RECOMMENDATION (ECF NO. 31)**

On March 2, 2022, pro se Plaintiff Christopher Scott Merrill filed this civil rights action under 42 U.S.C. § 1983 alleging deliberate indifference to serious medical needs while incarcerated at Parnall Correction Facility in Jackson, Michigan. (ECF No. 1.) Following several dismissal orders, only defendants “Unknown King”, Mark Cooks, Stacy Lindahl, and John Doe remain.

The matter has been referred to Magistrate Judge Kimberly G. Altman for all pretrial proceedings, including a hearing and determination of all non-dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(A) and/or a report and recommendation on all dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(B). (ECF No. 21.) On

July 8, 2022 Defendants Mark Cooks, “Unknown King”, and Elihue Potts¹ filed a motion for summary judgment on the basis of exhaustion. (ECF No. 20.) On August 2, 2022, Defendant Stacy Lindahl filed a motion for summary judgment based solely on Plaintiff’s failure to exhaust his administrative remedies. (ECF NO. 23.) On December 21, 2022, Magistrate Judge Altman issued a report and recommendation (R&R) denying both motions for summary judgment. (ECF No. 31.)

At the conclusion of the R&R, Magistrate Judge Altman informs the parties that they must file any objections to the R&R within fourteen days. (*Id.* At 438.) She further specifically advises the parties that “[f]ailure to file specific objections constitutes a waiver of any further right to appeal.” (*Id.*) Neither party filed objections.

The Court has carefully reviewed the R&R and concurs with the conclusions reached by Magistrate Judge Altman. The Court therefore adopts the R&R.

Accordingly,

IT IS ORDERED that Defendants’ motions for summary judgment (ECF

¹ On December 19, 2022, the Court dismissed Elihue Potts from this action. Therefore, the motion for summary judgment filed on July 8, 2022 pertains only to Defendants Mark Cooks and “Unknown King” hereafter.

No. 20 and 23) are **DENIED**.

s/ Linda V. Parker
LINDA V. PARKER
U.S. DISTRICT JUDGE

Dated: January 23, 2023

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, January 23, 2023, by electronic and/or U.S. First Class mail.

s/Aaron Flanigan
Case Manager